

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAVIER PRODUCTIONS, INC., and
WOODY ALLEN,

Plaintiffs,

– against –

AMAZON CONTENT SERVICES, LLC, and
AMAZON STUDIOS, LLC,

Defendants.

Case No. 1:19-cv-01169 (DLC)

**DECLARATION OF JULIA M. BESKIN
IN SUPPORT OF PLAINTIFF’S MOTION
TO STRIKE DEFENDANT AMAZON
CONTENT SERVICES, LLC’S
FIRST AND FOURTH AFFIRMATIVE
DEFENSES**

I, JULIA M. BESKIN, submit this Declaration pursuant to 28 U.S.C. § 1746 and do hereby declare under penalty of perjury:

1. I am a partner at Quinn Emanuel Urquhart & Sullivan, LLP, counsel to Plaintiffs Gravier Productions, Inc. (“Gravier”) and Woody Allen (together with Gravier, “Plaintiffs”) in the above-captioned matter, and am a member in good standing of the bar of New York and this Court.

2. I respectfully submit this Declaration in support of Plaintiffs’ motion to strike Defendant Amazon Content Services, LLC’s (“Amazon”) First and Fourth Affirmative Defenses pursuant to Federal Rule of Civil Procedure 12(f). I am fully familiar with all matters set forth in this Declaration, based on my own knowledge and information that I have reviewed in preparation of this Declaration.

3. Plaintiffs filed their complaint in the above-captioned action on February 7, 2019. *See* Dkt. 1. Amazon initially responded by filing a partial motion to dismiss on April 3, 2019, (Dkt. 25), which the Court granted on July 31, 2019, (Dkt. 49). Amazon filed its Answer and Affirmative Defenses on August 13, 2019. Dkt. 52.

4. Prior to filing its answer, on March 26, 2019, Amazon served sixty-one (61) requests for production of documents (“Amazon’s RFPs”) on each Plaintiff. Plaintiffs filed their respective responses and objections to Amazon’s RFPs on April 25, 2019.

5. The Parties began exchanging documents on June 26, 2019. By August 8, 2019, *i.e.* prior to Amazon filing its Answer, Plaintiffs had produced more than 3,850 documents to Amazon in response to Amazon’s RFPs. During this same time period, Amazon produced over 3,300 documents in response to Plaintiffs’ document requests.

6. Amazon has served a number of RFPs relating to Amazon’s First and Fourth Affirmative Defenses. This includes, for example, Amazon’s requests for documents and communications concerning: (1) “Gayle King’s interview of Dylan Farrow on CBS This Morning in or around January 2018” and “Allen’s participation in the September 16, 2018 New York Magazine profile of Soon-Yi Previn” (Amazon’s RFP Nos. 47 and 50); (2) “communications with any person concerning the #MeToo movement” (Amazon’s RFP No. 52); (4) “actual or alleged sexual harassment, sexual abuse, or other sexual misconduct by Allen” from in or after October 2017 (Amazon’s RFP Nos. 53 and 54); and (5) “Allen’s reputation in the film industry” from October 2017 to the present (Amazon’s RFP No. 55). Plaintiffs objected to producing such documents and have not produced such documents to date. In addition, although Plaintiffs agreed to produce some but not all of the discovery demanded by Amazon during meet and confers concerning other RFPs relating to Mr. Allen’s interviews since October 2017 (Amazon’s RFP Nos. 48, 49, and 51), Amazon insisted in a letter, dated July 16, 2019, that all such documents “go to the heart of Amazon’s implied covenant defense” and, if not produced, Amazon “intend[s] to seek the Court’s intervention.”

7. On July 17, 2019, Amazon served a subpoena on non-party Anthony Freinberg, a third party consultant, for documents and communications concerning Amazon's Fourth and Fifth Affirmative Defenses, including, (1) "any interview or public statements given by Mr. Allen and any reactions thereto (Request No. 4); (2) Mr. Allen's reputation in the film industry and the willingness of actors to work with Mr. Allen (Request No. 7); and (3) the #MeToo movement (Request No. 11).

8. Four other subpoenas containing similar or the same document requests were served on August 13, 2019, *i.e.* the same day Amazon filed its answer and affirmative defenses, on the following third-parties related to Plaintiffs: (1) ICM Partners; (2) FilmNation Entertainment LLC; (3) 42 West, LLC; and (4) Patricia DiCerto.

I declare under penalty of perjury that the following is true and correct.

Executed in New York, New York on September 3, 2019.

By: /s/ Julia M. Beskin
Julia M. Beskin